



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 22 दिसम्बर, 1984/1 प्रोब, 1906

हिमाचल प्रदेश सरकार

श्रम विभाग

अधिसूचना

शिमला-2, 15 नवम्बर, 1984

संख्या 2-426/69-ए० आई०-2.—हिमाचल प्रदेश बागान श्रम नियम, 1978 में संशोधन करने के लिए नियमों का प्रारूप, बागान श्रम अधिनियम, 1951 (1951 का केन्द्रीय अधिनियम संख्यांक 69) की धारा 43 की उप-धारा (1) की अपेक्षानुसार इस विभाग की सम संख्यांक अधिसूचना 9-3-84 के अधीन राजपत्र हिमाचल प्रदेश तारीख 7 अप्रैल, 1984 में प्रकाशित किया गया था जिसमें ऐसे सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी उसके प्रकाशन की तारीख से साठ दिन के भीतर आक्षेप और सुझाव मांगे गए थे और हिमाचल सरकार ने सम्बन्धित व्यक्तियों से नियत अवधि के भीतर कोई आक्षेप और सुझाव प्राप्त नहीं किया है;

अतः अब हिमाचल प्रदेश के राज्यपाल, बागान श्रम अधिनियम, 1951 (1951 का केन्द्रीय अधिनियम संख्यांक 69) की धारा 43 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश बागान श्रम नियम, 1978 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं।

[Authoritative English text of notification No. 2-426/69-SI-2, dated 15-11-1984 is hereby published under Article 348(3) of the Constitution of India, for general information].

LABOUR DEPARTMENT

NOTIFICATION

Shimla-2, the 15th November, 1984

No. 2-426/69-SI-2.—Whereas certain draft rules to amend Himachal Pradesh Plantation Rules, 1978 were published as required by sub-section (1) of section 43 of the Plantation Labour Act, 1951 (Central Act 69 of 1951) with notification of even number, dated 9-3-1984 of this Department in the Rajpatra, Himachal Pradesh, dated 7th April, 1984, for inviting objections and suggestions, if any, from the persons likely to be affected thereby within a period of sixty days from the date of their publication in the Rajpatra;

And whereas no objections and suggestions have been received from the persons concerned within the stipulated period, by the Government of Himachal Pradesh.

Now, therefore, in exercise of the powers conferred by section 43 of the Plantation Labour Act, 1951 (Central Act No. 69 of 1951), the Governor, Himachal Pradesh hereby makes the following amendments in the Himachal Pradesh Plantation Labour Rules, 1978:—

AMENDMENTS

1. *Short title, extent and commencement.*—(i) These rules shall be called the Himachal Pradesh Plantation Labour (First Amendment) Rules, 1984.

(ii) These rules shall extend to the State of Himachal Pradesh.

(iii) These rules shall come into force from the date of publication of the Rules in the H.P. Rajpatra.

2. After Chapter-I of the Himachal Pradesh Plantation Labour Rules, 1978 (hereinafter called the said rules) the following new Chapter I-A shall be inserted, namely:—

CHAPTER I-A

2-A. Registration of Plantations.—(1) An application for registration of a plantation shall be made in Form No. I and shall be accompanied by a treasury challan under which the fee prescribed under sub-rule (2) of this rule has been deposited.

(2) The employer shall pay the fees by depositing into a treasury or sub-treasury in Himachal Pradesh under Head “B—Social and Community Services 087—Labour and Employment—Fee realized under the Plantations Labour Act” on the scale given below:—

(a) for a plantation with an area of ten or less than ten hectares of land	... Rs.10
(b) for plantation with an area of more than ten hectares but not more than 20 hectares of land Rs. 25
(c) for other plantations Rs. 50

(3) The Registering Officer shall maintain a register of plantations in Form I-A and shall enter in it particulars of every plantation with separate page.

(4) The Registering Officer shall issue to the employer a certificate of registration in Form No. I-B.

(5) Intimation regarding the change that may occur in the ownership or management or in the extent of the area or other particulars mentioned in Form I-C.

(6) Before passing an order under sub-section (6) of section 3-B of the Act, the Registering Officer may hold such inquiry as he may consider necessary:

Provided that the Registering Officer shall give to the employer an opportunity of being heard before rejecting a request for cancellation of registration of a plantation or for rejecting any other request contained in the application presented to him in Form I-C.

2-B. Appeal.—An appeal against an order passed by a Registering Officer under sub-section (6) of section 3B shall lie to the Labour Commissioner, Himachal Pradesh:

Provided that an appeal against an order passed by the Labour Commissioner, Himachal Pradesh as Registering Officer shall lie to such officer of the Government of Himachal Pradesh as that Government may appoint in this behalf.

2-C. Procedure for Appeal.—(i) (a) Every appeal under sub-section (1) of section 3-C of the Act, shall be preferred in the form of memorandum signed by the appellant or his authorised agent and presented to the appellate authority in person or sent to him by registered post.

(b) The memorandum shall be accompanied by a certified copy of the order appealed from, which shall be supplied to him by the Registering Officer free of cost.

(1) The memorandum shall set forth concisely and under distinct head the grounds of appeal against the order appealed from.

(2) Where the memorandum of appeal does not comply with the provisions of sub-rule (1) above, it may be rejected or returned to the appellant for the purpose of being amended within a time to be fixed by the appellate authority.

(3) Where the appellate authority rejects the memorandum under sub-rule (2) above or on the ground of limitation, he shall record the reason for such rejection, and communicate the order to the appellant.

(4) Where the memorandum of appeal is in order, the appellate authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in a book to be kept for the purpose called the register of appeal.

(5) When the appeal has been admitted, the appellate authority shall send the notice of appeal to the Registering Officer, as the case may be, from whose order the appeal has been preferred and the Registering Officer shall send the record of the case to the appellate authority.

(6) On receipt of the record, the appellate authority shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.

(7) If on the date fixed for hearing the appellant does not appear, the appellate authority may dismiss the appeal for default of appearance of the appellant unless the appellant authority chooses to consider to decide the appeal *ex-parte* on merits.

(8) (i) Where an appeal has been dismissed under sub-rule (7) above the appellant may apply to the appellate officer for the re-admission of the appeal, and where it is proved that he was prevented by a sufficient cause from appearing when the appeal was called on for hearing the appellate authority shall restore the appeal on its original number.

(ii) Such an application shall, unless the appellate authority extends the time for sufficient reason, be made within 30 days of the date of dismissal.

(9) If the appellant is present when the appeal is called on for hearing, the appellate authority shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce the judgement of the appeal, either confirming, reversing or varying the order appealed from.

(10) (a) The judgement of the appellate authority shall state the points for determination, the decisions thereon and the reasons for the decisions.

(b) The order shall be communicated to the appellant and copy thereof shall be sent to the Registering Officer from whose order the appeal has been preferred.

3. In sub-heading of Chapter-II of the said rules the figure and word "4 and" shall be inserted between the word and figure "SECTION" and "5".

4. The existing rule 3 of the said rules shall be re-numbered as clause (3) and before that the following shall be inserted as clauses (1) and (2) of rule 3:—

"3. (1) An officer of the State Government not lower than the rank of a Labour Inspector shall be duly qualified to be appointed as Additional Inspector under the Act and an officer of the State Government not lower than the rank of a Joint Commissioner shall be qualified to be the Chief Inspector under the Act.

(2) Subject to such directions as the State Government may give in this behalf, the Chief Inspector may declare the local area or areas within which or the plantations with respect to which Inspectors and Additional Inspectors shall exercise their powers under this Act."

5. In rule 32 of the said rules, the words "to which section 12 of the Act applied" shall be substituted for the words "wherein fifty or more women workers are employed or were employed on any day of the preceding twelve months".

6. After Chapter IV of the said rules, the following new Chapter IV-A shall be inserted:—

CHAPTER IV-A

ACCIDENTS AND COMPENSATION

Rules made under section 16-A to section 16-G

69-A. Commissioner.—A member of the Indian Administrative Services or Himachal Pradesh Administrative Services shall be qualified to be appointed as Commissioner for the purpose of determining the amount of compensation payable under section 16-A.

69-B. Procedure in proceedings before the Commissioner and other matters.—The provisions of the Workmen's Compensation Act, 1923 (Central Act No. 8 of 1923) and the rules made by the Government of Himachal Pradesh thereunder shall apply *mutatis mutandis* to the proceedings before the Commissioner to the extent such provisions are consistent with the provisions of the Act and the rules made thereunder.

69-C. The amount of compensation awarded under the Act may be recovered as an arrears of land revenue on the receipt of a certificate from the Commissioner by the Collector of the District in which the plantation, the deceased or injured worker was or is working, is situated and for this purpose the provision of the Revenue Recovery Act, 1890 (1 of 1890) and the Himachal Pradesh Land Revenue Act, 1953, shall apply.

7. After Chapter VI of the said rules the following new Chapter VI-A shall be inserted:—

CHAPTER VI-A

ACCIDENTS

Accidents Rules made under section 32A and 32B

81-A.(1) When an accident occurs which causes death or which causes any bodily injury to a worker by reason of which he is prevented from working for a period of 48 hours or more immediately following the accident or an accident of the type mentioned in the Schedule appended to these rules occurs, the employer shall forthwith send notice thereof by a special messenger, telephone or telegram to the Inspector or Additional Inspector in whose jurisdiction the accident has occurred:

Provided that, if the accident is fatal or is likely to prove fatal, notice as aforesaid shall also be sent to the Chief Inspector and the officer incharge of the nearest Police Station:

Provided further that an oral or telegraphic message will invariably be followed by a notice in writing in Form II-A to be despatched by registered post on the day next following the date of the accident.

(2) A register of accidents shall be maintained in Form II-B.

8. The Form No. I of the said rules shall be re-numbered as Form I-D.

By order,
R. K. ANAND,
Financial Commissioner-cum-Secretary (Labour).

FORM I

[See rule 2A(1)]

APPLICATION FOR REGISTRATION OF APLANTATION

1. Name and location of plantation ..
2. Full name and particulars including parentage and residential address and postal address of:
 - (i) The employer of the plantation in case of a private firm/proprietary concern ...
 - (ii) Directors in the case of Company/Firm ...
 - (iii) The chief administrative head of the department in the case of a Government or local fund plantation
3. Full name and address of the Manager or person responsible for the supervision and control of the plantation ...
4. (a) Area of plantation indicating Khasra number and area of each Khasra number ...
- (b) Area of the land actually under plantations in a Khasra number and their areas
5. Maximum number of workers employed on any day during the last twelve months ..
6. Particulars of treasury receipt enclosed
(Name of treasury, amount and date)

I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Employer.

Place.....

Date.....

Date of receipt of application.

Seal and Stamp
Office of the Registering Officer.

FORM-IA

[See rule 2-A (3)]

REGISTER OF PLANTATIONS

Sl. No.	Name and location of plantation	Full name and particulars including parentage, residential address and postal address of		
1	2	Employer of the plantation in case of private firm/proprietary concern	Director in case of company or firm	The chief administrative head in the case of Government or local fund plantation
		3A	3B	3C

Full name and address of the manager or person responsible for the supervision and control of the plantation 4	Area of the plantation indicating Khasra No. and area of each Khasra number 5A	Area of land actually under plantation with khasra No. and the area 5B
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Maximum number of workers employed on any day during the twelve months 6	Particulars of treasury receipt enclosed (Name of treasury, amount and date) 7	Remarks 8
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FORM I-B

[See rule 2-A(4)]

CERTIFICATE OF REGISTRATION

Certified that the plantation bearing the following particulars has been registered under section 3-A(4) of the Plantations Labour Act, 1951 and the rules made thereunder at serial number@ of the register maintained in the office of the undersigned:

1. Name of the plantation.....
2. Area under plantation.....
3. Khasra No.....
4. Village
5. Tehsil.....
6. District

Date.....

Signature of the Registering Officer
with seal.

@The number to be indicated here shall include the place of the headquarters of the registering officer and the serial number at which the particulars of the relevant plantation has been entered in the register.

FORM I-C

FORM OF CHANGE IN OWNERSHIP/MANAGEMENT/EXTENT OF AREA OR OTHER PARTICULARS MENTIONED IN THE APPLICATION FORM REFERRED TO IN SUB RULE (5) AND (6) OF RULE 2A.

To

The Registering Officer,
.....

I hereby notify that the following change (s) has/have/taken place with effect from..... (date) in respect of my plantation as supplied by me in my application date.....

My registration certification number is.....dated.....

(Here mention the change)

Therefore, you are requested to @ cancel the registration of my planation/issue a fresh certificate of registration incorporating the above changes.

DATED :

Signature of the Employer.

@Strike off whichever is not applicable.

FORM II-A

[See rule 81-A(I)]

NOTICE OF ACCIDENT

1. Name of the employer
2. Address of work where accident occurred
3. Exact place where the accident occurred
4. Injured person's:
 - (a) Name
 - (b) Parentage
 - (c) Age
 - (d) Sex
 - (e) Occupation
 - (f) Full address
5. Date and hour of accident
6. Hour to which he started work on the day of accident
7. (a) Cause or nature of accident
 - (b) If caused by machinery
 - (c)(i) Give name of the machine and part causing the accident and
 - (ii) State whether it was moved by mechanical power at the time
 - (d) State exactly what injured person was doing at the time
8. Nature and extent of injuries (e.g. fatal, loss of finger, fracture of leg, sealed, scratch followed by sepsis)
9. If accident is not fatal or likely to be fatal, state whether the injured person is likely to be prevented from working for 48 hours or more immediately following the accident
10. Name of Medical Officer in attendance on injured person

I certify that to the best of my knowledge and belief, the above particulars are correct in every respect.

Signature of Occupier or Manager.

Date of despatch of report.....

SCHEDULE

[See rule 81-A(1)]

1. Accident causing total or partial disablement or disfiguration
2. Any other type of accident which may be added to the Schedule by the Government of Himachal Pradesh by an order.

FORM II-B

[See rule 81-A(2)]

REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES

Name of injured person (if any)	Date of accident	Date of report	Nature of accident	Date of return of injured person to work	No. of days injured person was absent from work	Compensation determined with date of determination	Compensation paid with date of payment
1	2	3	4	5	6	7	8



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 28 दिसम्बर, 1984/7 पौष, 1986

हिमाचल प्रदेश सरकार

कार्यालय उपायुक्त, कांगड़ा स्थित धर्मशाला

निलम्बन आदेश

धर्मशाला, दिसम्बर, 1984

संख्या पी०सी०एच०-के०जी० आर-8645-48.—क्योंकि श्री तोता राम प्रधान, ग्राम पंचायत नन्दपुर भटोली, ने सभा फण्ड की राशि रु० 3793.52 पैसे, अनाधिकृत रूप से अपने पास रखी, जिसकी जमा करवाने के लिए ग्राम पंचायत के प्रस्ताव संख्या 5, दिनांक 5-2-84 द्वारा प्रधान ने स्वयं दो तीन माह की अवधि मांगी थी।

और क्योंकि उक्त प्रधान द्वारा हिमाचल प्रदेश पंचायती राज वित्तीय नियम, 1975 की उल्लंघना की, इसलिए उन्हें हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 की धारा 54(1) तथा ग्राम पंचायत नियम, 1971 के नियम 77 के अन्तर्गत इस कार्यालय के आदेश संख्या 8477-80, दिनांक 1-8-84 द्वारा कारण बताओ नोटिस दिया गया था।

और क्योंकि उक्त श्री तोता राम प्रधान द्वारा प्रेषित कारण बताओ नोटिस के उत्तर का अवलोकन किया गया तथा इसे असन्तोषजनक पाया गया। खण्ड विकास अधिकारी, नगरोटा सूरियां न भी इस मामले की जांच करवा कर उक्त आरोप की पुष्टि की है तथा प्रधान को राशि अपने पास अनाधिकृत रूप से रखने बारे दोषी ठहराया है।